

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

No. 724

---

### Introduced by Assembly Member Benoit

February 22, 2007

---

An act to add ~~Chapter 7.7~~ *Article 6* (commencing with Section 11834.70) to *Chapter 7.5* of Part 2 of Division 10.5 of the Health and Safety Code, relating to residential facilities.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

~~This bill would set forth those characteristics that distinguish a sober living home, as defined in the bill, from certain licensed facilities, and would provide that these sober living homes are exempt from licensure. The~~

*This bill would provide that it is the licensure provisions of alcoholism and drug abuse recovery treatment facilities by the State Department of Alcohol and Drug Programs are not intended or shall and shall not be construed to limit a local government's authority to regulate, without restriction, the use and occupancy of a single-family residence location in a single-family residential zone, that is not a sober living home; or other licensed facility, as specified.*

*The bill would become operative only if SB 992 is enacted and takes effect on or after January 1, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Chapter 7.7 (commencing with Section 11834.70)~~  
~~is added to Part 2 of Division 10.5 of the Health and Safety Code,~~  
~~to read:~~

~~CHAPTER 7.7. SOBER LIVING HOMES~~

~~SECTION 1. Article 6 (commencing with Section 11834.70) is~~  
~~added to Chapter 7.5 of Part 2 of Division 105 of the Health and~~  
~~Safety Code, to read:~~

~~Article 6. Local Authority~~

11834.70. Nothing in this chapter is intended or shall be  
construed to limit the power of any city, county, or city and county,  
in the exercise of its police power or in the exercise of its power  
under any other provision of law, to regulate, without restriction,  
the use and occupancy of a single-family residence location in a  
single-family residential zone, that does not meet the definition of  
any of the following:

(a) A community care facility licensed pursuant to Chapter 2  
(commencing with Section 1500) of Division 2.

(b) An alcoholism or drug abuse recovery or treatment facility  
licensed pursuant to Chapter 7.5 (commencing with Section  
11834.01); *licensed pursuant to this chapter.*

(c) A facility operating under a valid license issued by any other  
state agency or by a federal agency, for residential programs  
intended to be operated in a single-family home.

(d) A sober living home, as defined in this chapter.

~~11834.71. For purposes of this chapter, "sober living home"~~  
~~means a residential property that is operated as a cooperative living~~  
~~arrangement to provide an alcohol- and drug-free environment for~~  
~~persons recovering from alcoholism or drug abuse, or both, who~~  
~~seek a living environment in which to remain clean and sober. A~~  
~~sober living home is exempt from licensure, but shall demonstrate~~  
~~all of the following characteristics, which distinguish the sober~~

1 ~~living home from similar facilities that are subject to licensure,~~  
2 ~~such as community care facilities and alcoholism and drug~~  
3 ~~treatment facilities:~~

4 ~~(a) Residents of the facility, including live-in managers,~~  
5 ~~operators, or owners, are recovering from alcohol or drug abuse.~~

6 ~~(b) Residents actively participate in legitimate Alcoholics~~  
7 ~~Anonymous (AA) or Narcotics Anonymous (NA) programs, and~~  
8 ~~maintain current records of meeting attendance. These records~~  
9 ~~shall be made available for inspection upon the request of a law~~  
10 ~~or code enforcement officer.~~

11 ~~(c) Owners, managers, operators, and residents shall observe~~  
12 ~~and enforce a “zero-tolerance” policy regarding the consumption~~  
13 ~~or possession of alcohol or controlled substances, except for~~  
14 ~~prescription medications obtained and used under direct medical~~  
15 ~~supervision.~~

16 ~~(d) Residents submit to mandatory random alcohol or drug~~  
17 ~~testing, or both, which is conducted onsite by managers or~~  
18 ~~operators, or by peer leaders in self-governed homes. Testing~~  
19 ~~records shall be current and maintained onsite, and shall be made~~  
20 ~~available for inspection upon the request of a law or code~~  
21 ~~enforcement officer.~~

22 ~~(e) Owners, managers, operators, and residents do not provide~~  
23 ~~onsite any of the following services, as they are defined in~~  
24 ~~paragraph (6) of subdivision (a) of Section 10501 of Title 9 of the~~  
25 ~~California Code of Regulations:~~

26 ~~(1) Detoxification.~~

27 ~~(2) Educational counseling.~~

28 ~~(3) Individual or group counseling sessions.~~

29 ~~(4) Treatment or recovery planning.~~

30 ~~(f) The number of residents who are also parolees who are~~  
31 ~~subject to the sex offender registration requirements of Section~~  
32 ~~290 of the Penal Code does not exceed the limit set forth in Section~~  
33 ~~3003.5 of the Penal Code.~~

34 ~~(g) No resident requires nonmedical care or supervision, as~~  
35 ~~those terms are defined in Section 1503.5 and paragraph (3) of~~  
36 ~~subdivision (a) of Section 80001 of Title 22 of the California Code~~  
37 ~~of Regulations.~~

38 ~~(h) Operators or residents, as applicable, maintain current~~  
39 ~~membership in a recognized association of sober living homes, or~~

1 ~~have received a sober living home certification from the~~  
2 ~~department.~~

3 ~~(i) Residents are responsible for their own meals. Owners,~~  
4 ~~managers, or operators do not provide food services to residents.~~

5 ~~(j) Owners, managers, operators, and residents ensure that the~~  
6 ~~property and its use comply with applicable state and local law.~~

7 *SEC. 2. This act shall become operative only if Senate Bill 992*  
8 *is enacted and takes effect on or before January 1, 2008.*